

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2008-003715

09/06/2010

JUDGE DAVID J. PALMER

CLERK OF THE COURT
L. Wistuber
Deputy

IN RE THE MARRIAGE OF
BRIAN KEITH NELSON

BRIAN KEITH NELSON
7660 E WHISTLING WIND WAY
SCOTTSDALE AZ 85255

AND

KATHLEEN LYNN CHADWICK

KATHLEEN LYNN CHADWICK
7660 E WHISTLING WIND WAY
SCOTTSDALE AZ 85255

FAMILY COURT SERVICES-CCC

MINUTE ENTRY

The Court convened a Resolution Management Conference on Petitioner/Husband's Petition for Civil Contempt for Failure to Divide Property and Make Payments Owed. In spite of notice being sent to her previous address, Respondent/Wife failed to appear. In the notices of this hearing, Wife was specifically informed that should she fail to appear, a default could be entered against her.

Wife's non-appearance is symptomatic of the biggest problem in this case; that Wife has basically disappeared altogether. Husband and Wife's previous attorney have been unable to contact her. The desired effect of the orders that appear below is to compel Wife's compliance with Court orders, present and past, and to hope that she surfaces to live up to her responsibilities to Husband and to the Court. Up to this point, she has complied with no orders of the Court.

Previously, Wife had been ordered to execute a quit-claim deed in favor of Husband on the marital residence located at 7660 East Whistling Wind Way in Scottsdale, with Husband essentially purchasing the home by assuming full responsibility for the 1st and 2nd mortgages on

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the home. She was also ordered to transfer ownership of a community life insurance policy to Husband. She has failed to execute any of those documents.

The community also owned a cabin in Overgaard which was ordered by the Court to be sold. The parties were to share in the expenses of that cabin pending its sale. Wife wholly failed to comply with that order.

In addition, in previous orders of the Court, the parties were to divide equally items of furniture in the marital household. At the time when Husband took over possession of the marital residence pursuant to a Court order, the house was completely empty of any furniture at the time Respondent moved out.

Wife was also ordered to be responsible for utility payments on the residence pending its sale, and upon sale of the home was to be responsible to Husband for half of the 1st and 2nd mortgage payments, which he was to make until the sale of the home. As noted above, Husband has now assumed full responsibility for mortgage payments. The parties were to be equally responsible for the payment of HOA fees, taxes and insurance on the property. She failed to comply with any portion of those orders.

THE COURT FINDS that Wife has knowingly failed to comply with any of these orders, and is therefore found to be in contempt of Court.

As a sanction for Wife's lack of compliance,

IT IS ORDERED reaffirming the transfer previously ordered to Husband as his sole and separate property, the marital residence located at 7660 East Whistling Wind Way, the legal description of which is Lot 36A, of Grayhawk Parcels 2A, 2B, 2C according to the plat of record in the office of County Recorder of Maricopa County, Arizona, recorded in Book 461 of Maps, Page 30.

IT IS FURTHER ORDERED that Wife is to execute a quit claim deed to Husband as was previously ordered by this Court to transfer title to Husband.

IT IS FURTHER ORDERED that until Wife executes this quit claim deed as ordered and provides proof to the Court of same, spousal maintenance payments to Wife are to be withheld by the Support Payment Clearinghouse until further notice.

THE COURT FINDS that a sanction is appropriate for Wife's total removal of the personal property and furnishings from the marital residence and thus depriving Husband of his share of that property, which share the Court finds to be approximately \$15,000.00, and failing to

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reimburse Husband for half of the mortgage payments or utility payments on the marital residence, and for failure to pay for her half of the expenses associated with the Overgaard cabin.

IT IS THEREFORE ORDERED granting to Husband as his sole and separate property the Overgaard cabin located at 2747 Beaver Trail in Overgaard, with the legal description, parcel 5B-1, being a portion of Section 34, Township 12 North, Range 17 East of the Gila and Salt River Base and Meridian, Navajo County, Arizona, according to Book 53 of Surveys, Page 47, Records of Navajo County, Arizona, Tax ID: 206-01-036F 4.

IT IS FURTHER ORDERED that Wife is to execute a quit claim deed conveying this property to Husband; until such quit claim deed is executed and proof provided to the Court of same,

IT IS ORDERED that spousal maintenance payments to Wife are to be suspended by the Support Payment Clearinghouse.

Finally,

IT IS AGAIN ORDERED that Wife is to execute a release to any claim on the Lafayette Life Insurance Policy # UEO880280. Until such release is executed and proof provided to the Court of same,

IT IS ORDERED that spousal maintenance payments to Wife are to be suspended by the Support Payment Clearinghouse.

IT IS FURTHER ORDERED signing this minute entry as a formal written Order of the Court pursuant to Rule 81, Arizona Rules of Family Law Procedure.

/ s / JUDGE DAVID J. PALMER

JUDICIAL OFFICER OF THE SUPERIOR COURT

FILED: Exhibits Worksheet.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.